

TABLE 18. ATTORNEY FEES IN WORKERS' COMPENSATION ^{1/}

State	Attorney fees established by statute, rule, operating policy, or on individual case basis	Determined by:	Statutory provision whereby attorney fees are added to award in certain cases	Statutory provision making unlawful acceptance of unapproved fees	Laypersons permitted to represent claimants	Attorney fees, upon approval, become liens against awards
Alaska	25% minimum on first \$1,000; 10% on balance, statute	Agency	Yes	Yes	Yes	No
Alabama	15%, statute	Court	None	None	No	No
Arizona	25%, statute	Agency	None	None	No	No
Arkansas	30% first \$1,000; 20% next \$2,000; 10% on balance, statute	Agency	Yes	None	Yes	No
California	Individual case basis	Agency	Yes	None	Yes	Yes
Colorado	20%, statute	Agency	None	None	No	Yes
Connecticut	Individual case basis	Agency	Yes	None	Yes	No
Delaware	30% or \$2,250, whichever is less, statute	Agency & Court	Yes	None	No	No
Dist. of Col.	Individual case basis	Agency	Yes	Yes	Yes	Yes
Florida	20% first \$5,000; 15% second \$5,000; 10% on balance, statute	Agency	Yes	Yes	No	Yes
Georgia	25% to 33 1/3%, rule	Agency	Yes	Yes	No	No
Hawaii	Individual case basis	Agency	Yes	Yes	Yes	Yes
Idaho	Individual case basis	Agency	Yes	None	Yes	No
Illinois	20%, statute	Agency	Yes	None	No	No
Indiana	Individual case basis	Agency	Yes	None	No	No
Iowa	Individual case basis	Agency	None	None	No	Yes
Kansas	25%, statute	Agency	None	None	No	Yes
Kentucky	20% first \$25,000; 15% next \$10,000; 5% balance up to a maximum of \$12,000, statute	Agency	Yes	No	No	No

^{1/} This table refers only to attorney fees for claimants. Attorney fees for employers and insurance carriers are not regulated by State statutes or regulations.

TABLE 18. ATTORNEY FEES IN WORKERS' COMPENSATION (cont.)

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Louisiana	20% first \$20,000; 10% on balance, statute	Court	Yes	Yes	No	Yes <u>2/</u>
Maine	Individual case basis	Agency	Yes	Yes	No	No
Maryland	20% first \$7,000; 15% next \$18,000; 10% balance, policy	Agency	Yes	None	No	Yes
Massachusetts	If employee prevails before hearing, twice SAWW; otherwise depends on when appellate process, settlement occurs, statute	Agency	Yes	None	No	Yes
Michigan	30%, rule; up to time of trial, 15% first \$25,000; 10% balance on redemption settlements	Agency	None	None	No	No
Minnesota	25% first \$4,000; 20% next \$60,000, statute	Agency	Yes	Yes	No	Yes
Mississippi	25% before Commission; 33 1/3% in Court, statute	Agency	None	Yes	No	Yes
Missouri	25%, policy	Agency	None	None	No	Yes
Montana	25% - 40%, policy	Agency	Yes	None	Yes	Yes
Nebraska	20% - 25%, policy	Court	Yes	Yes	No	Yes
Nevada	No provision		Yes		Yes	
New Hampshire	20% - 25%, policy	Agency	Yes	None	No	No
New Jersey	20%, statute	Agency	Yes	Yes	No	Yes
New Mexico	Maximum of \$12,500, statute	Agency	Yes	Yes	No	No
New York	Individual case basis	Agency	None	Yes	Yes	Yes
N. Carolina	Individual case basis	Agency	Yes	Yes	No	No

2/ Louisiana: Attorney fees may not be included in any formula used to establish insurance premium rates.

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North Dakota	An hourly rate (\$70-\$85) and maximum fees according to level of hearing, ranging from \$3,600 to \$7,200, may not exceed 20% of award, rule	Agency	Yes	None	No <u>3</u> /	No
Ohio	Individual case basis	Agency	None	None	No <u>4</u> /	No
Oklahoma	10% TTD; 20% other types, statute	Court	None	None	No	Yes
Oregon	25% not to exceed \$2,800 (PPD), rule	Agency	Yes	None	Yes	Yes
Pennsylvania	20%, statute	Agency	Yes	None	No	Yes
Puerto Rico	Individual case basis	Agency	Yes	None	No	No
Rhode Island	Individual case basis	Agency	Yes	None	No	No
S. Carolina	Individual case basis	Agency	Yes	Yes	No	No
South Dakota	25% for settlements; 30% for lower court cases; 35% for State Supreme Court cases, statute	Agency	Yes	None	Yes	No
Tennessee <u>5</u> /	20%, statute	Agency & Court	None	Yes	No	Yes
Texas	25%, statute	Agency	Yes	None	Yes	Yes
Utah	20% first \$15,000; 15% next \$15,000; 10% balance; maximum \$9,051, rule	Agency	None	None	Yes	No
Vermont	20% maximum \$3,000, policy	Agency	Yes	None	No	Yes

3/ North Dakota: A non-legal advisor program provides assistance to injured workers, independent of the administrative claims processes; attorney fees may not be paid for claimants unless they have first used the adviser services. The program will be reevaluated in 1999.

4/ Ohio: However, laypersons are permitted to represent claimants at administrative hearings, if no fee is charged.

5/ Tennessee: Employer attorney fees in excess of \$10,000 require court approval. The threshold will be adjusted each July, beginning in 1997.

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Virginia	Individual case basis	Agency	Yes	None	No	No
Washington	30%, statute	Agency	Yes	Yes	Yes	No
West Virginia	20%, 208 week limit, statute <u>6</u> /	Agency	None	Yes	No	No
Wisconsin	20% in disputed cases, statute	Agency	None	Yes	Yes	No
Wyoming	Individual case basis	Court	Yes	Yes	Yes	No

6/ West Virginia: Attorney fees limited to 20% of claimant's or dependent's award.